

## REMARKS

In the Office Action dated September 29, 2006, the Examiner has rejected claims 1-4 as further discussed below. Applicant believes that the analysis and response presented herein shows that the claims are in condition for allowance. In view of the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

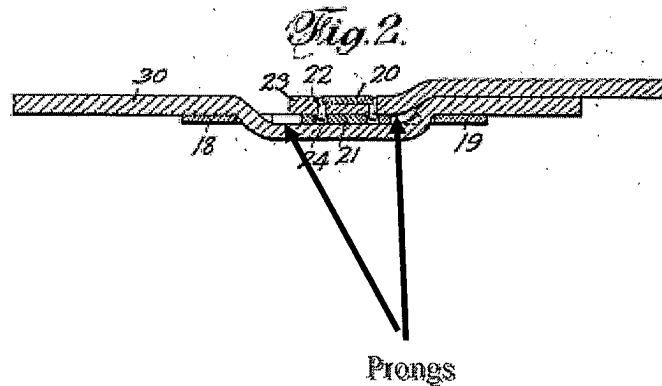
### The rejections under 35 U.S.C. § 103

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,129,872 to Reiter in view of U.S. Patent No. 4,069,554 to Minolla et al. **Regarding independent claims 1 and 2**, Applicant submits that a *prima facie* case of obviousness cannot be established because Reiter and Minolla fail to disclose “wherein said ears prevent said third horizontal member from sliding past said ears.” Claims 1 and 2 are, therefore, allowable over the references cited.

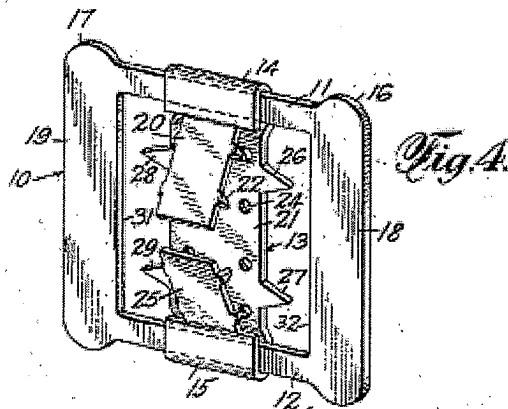
First, the Reiter specification clearly states that the prongs interact with the end bars to stop movement of the cross bar, and this is consistent with the figures. Reiter discloses that:

When the belt is tensioned, the cross bar 13 moves towards the right as viewed in Fig. 1, whereby *the prongs 28 and 29 cooperate with the edge of the end bar 19* to adequately secure the belt in place and to maintain it removably in its thus secured position. Should the belt 30 be passed in the opposite direction underneath the end bar 19, then over the cross bar, then underneath the cross bar 18, then tension applied to the belt causes the cross bar 13 to slide towards the left as viewed in Fig. 1, so that *the prongs 26 and 27 cooperate with the edge 32 of the end bar 18* to secure the belt in place. Pg. 2, lines 5 – 20 [emphasis added].

Also, as can be seen in Fig. 2, when the cross bar 13 is installed and is moved from side to side the prongs will contact the end bars 18 and 19, therefore preventing the bends 14 and 15 of the cross bar from contacting the projections 16 and 17:



As further illustrated in Fig. 4, the prongs clearly lie in the same plane as the end bars 18 and 19, thus ensuring that prongs 26 and 27 contact the end bar, preventing the bends 14 and 15 from contacting the projections 16 and 17.



Although Reiter purports to disclose that projections 16 and 17 limit movement of the cross bar, it is in fact impossible to do so given the discussion in the specification and figures as noted above. A person of ordinary skill in the art would read the specification in light of the figures and conclude that the prongs 26 and 27 lie in the same plane as the end bars 18 and 19 and therefore are solely used to stop movement of the cross bar. Stated differently, a person of ordinary skill would readily understand that prongs 26 and 27 prohibit cross bar 13 from engaging the projections 16 and 17.

Minolla also fails to disclose the claim element “wherein said ears prevent said third horizontal member from sliding past said ears” as used in the instant application, and as was discussed in Applicant’s response to Office Action filed as a Request for Continued Examination (RCE) on August 2, 2005 regarding claim 1. Applicant notes that claim 2 has been amended in this response to include the relevant features of claim 1 as discussed in the RCE. In the August 2, 2005 response, Applicant pointed out with respect to the Minolla reference that:

The Office Action construed the first and second arcuate outer-end of grip panel 16 to be the first and second ear as defined in claim 1. These arcuate outer-end sections of the grip handle are not ears within the understanding of the claim. The ears provide a catch ridge to prevent the third horizontal member from sliding off during the assembly of the device.

In response to the RCE, the Office Action dated October 20, 2005 indicated that the argument was persuasive in light of the amendment that included the claim limitation “wherein said ears prevent said third horizontal member from sliding past said ears.” As such, Applicant successfully argued and the Examiner agreed that Minolla failed to include the limitation.

The instant application, on the other hand, discloses “wherein said ears prevent said third horizontal member from sliding past said ears.” The instant application discloses in paragraph 0024 that “[i]t will be appreciated that the ears 110 and 112 facilitate retention of the sliding horizontal member 116 while the web adjuster 100 is first being installed upon the safety belt (i.e. before the webbing section 126 has been looped therethrough).” All figures of the instant application are consistent with the specification.

Applicant notes that to establish a *prima facie* case of obviousness, three basic criteria must be met including the requirement that all claim limitations must be taught or suggested. In particular, the MPEP states that:

[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. MPEP 706.02(j) [emphasis added]; *See also* MPEP 2143.01 – 2143.03.

Neither Reiter nor Minolla discloses the limitation that “the first ear” or “the second ear” acts to “prevent said horizontal member from sliding past said ears.” As noted above, Reiter does not teach or suggest to a person of ordinary skill in the art to use either a first or a second ear to stop movement of the cross bar because a person of ordinary skill would understand that the cross bar could never come into contact with the projections. In addition, Minolla fails to disclose the claim elements “a first ear” and “a second ear” and therefore does not disclose “wherein said ears prevent said third horizontal member from sliding past said ears.” As such, no combination of references cited in the Office Action discloses all elements of claims 1 and 2. Claims 1 and 2 are, therefore, allowable over the references cited of record. Reconsideration of claims 1 and 2 are respectfully requested.

Claim 3 depends from claim 2 and therefore includes all the limitations of claim 2.

Claim 3 is allowable over the cited references for at least the reasons cited above with respect to claim 2.

**Additionally, claim 2 is allowable on its own merit.** Applicant has amended claim 2 to recite that “the third horizontal member is free to slide between the first and second horizontal member only when said web adjuster has been rotated at least 45 degrees from a first position to a second position.” This feature is not shown or suggested in either the Reiter or the Minolla reference. With regard to Minolla, and as stated in Applicant’s response to Office Action previously filed as an RCE on August 2, 2005:

The Minolla reference teaches away from this feature on column 2, lines 54-61, by teaching “[e]ven slight angles in the adjusting device according to the invention will produce optimum adjustment opportunity.” Hence, the Minolla

reference teaches away from requiring at least 45 degrees of rotation before the belt is able to move with respect to the adjusting device, which is an important safety feature of the invention defined in Applicant's claim 2.

Therefore, there is no teaching or suggestion in the Minolla reference of the features of claim 2 and therefore claim 2 is allowable over the references of record for at least these reasons. [emphasis added]

Applicant notes that the Office Action dated October 20, 2005 failed to address this element of Applicant's claim 2. As previously stated by applicant, the limitation of requiring at least 45 degrees of rotation is "an important safety feature of the invention defined in Applicant's claim 2." Minolla fails to teach such a limitation because "[e]ven slight angles in the adjusting device . . . will produce optimum adjustment opportunity." Minolla simply fails to disclose the claimed limitation. The Office Action dated October 20, 2005 alleged that "the slide buckle can be rotated at least 45 degrees or 90 degrees from a first position to a second position similar to applicant's invention." Applicant notes that the Office Action has mistakenly conflated the concept of whether the slide buckle of Minolla can be rotated with whether it is required to be rotated. In any event, Applicant has amended claim 2 to explicitly recite "wherein the third horizontal member is free to slide between the first and second horizontal member only when said web adjuster has been rotated at least 45 degrees from a first position to a second position." The recital of a rotation to 45 degrees is a limitation that is not found, suggested, or taught in the Minolla reference.

The Reiter reference likewise remains silent regarding any angles at which the slide buckle can be rotated so that it may be adjusted.

The instant application discloses in paragraph 0025 that "adjustment of the web adjuster 100 is facilitated by rotating the web adjuster 100 through approximately 45 degrees to 135 degrees, and preferably through 90 degrees." Claim 2, therefore, is allowable because neither

Reiter nor Minolla discloses the need to rotate the web adjuster to such angles as are recited in amended claim 2.

Claim 3 depends from claim 2 and therefore includes all the limitations of claim 2.

Claim 3 is allowable over the cited references for at least the reasons cited above with respect to claim 2.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter in view of Minolla et al and further in view of applicant's admitted prior art figure 2. **Regarding independent claim 4**, Applicant has amended claim 4 to recite: (1) "at least one ear extending away from the junction between the second horizontal member and the first vertical member;" and (2) "wherein said at least one ear prevents said third horizontal member from sliding past said at least one ear." As noted above in the discussion of Minolla and Reiter with regards to claims 1 and 2, neither reference discloses the claim limitation that "said ears prevent said third horizontal member from sliding past said ears." Likewise in amended claim 4, Minolla and Reiter fail to disclose the claim limitation "wherein said at least one ear prevents said third horizontal member from sliding past said at least one ear." Furthermore, Applicant notes that admitted prior art Fig. 2 in the instant application also fails to disclose the claim limitation.

To establish a *prima facie* case of obviousness, three basic criteria must be met including the requirement that all claim limitations must be taught or suggested. In particular, the MPEP states that:

[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. MPEP 706.02(j) [emphasis added]; *See also* MPEP 2143.01 – 2143.03.


No reference cited in the Office Action discloses all elements of claim 4; in particular, no reference discloses the element "wherein said at least one ear prevents said third horizontal member from sliding past said at least one ear." Claim 4 is, therefore, allowable over the references cited of record. Reconsideration of claim 4 is respectfully requested.

### CLOSING

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action but are simply provided to address the rejections made in the Office Action in the most expedient fashion. Applicant reserves the right to later contest positions taken by the examiner that are not specifically addressed herein.

In conclusion, because the claims in this case are allowable over the references relied on in the pending Office Action for at least the above reasons, a Notice of Allowance in this case is respectfully requested. Should it be determined that any further action is necessary to place this application in better form for allowance, or for appeal should that become necessary, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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